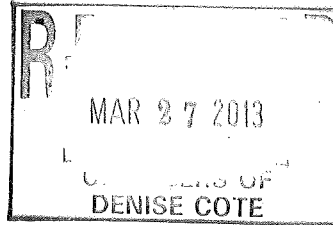




**MEMO ENDORSED**

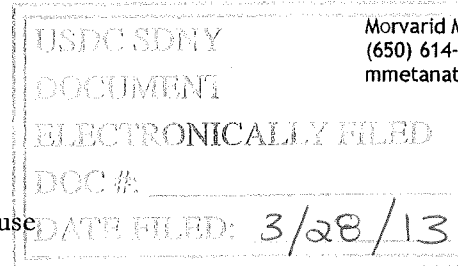


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March 27, 2013

**VIA EMAIL**

The Honorable Denise L. Cote  
United States District Judge  
Daniel Patrick Moynihan, United States Courthouse  
500 Pearl St.  
New York, New York 10007-1312



Morvarid Metanat  
(650) 614-7344  
mmetanat@orrick.com

Re: Eastman Kodak Company v. Altek Corporation, Case No. 12-cv-246 (SDNY)

Dear Judge Cote:

It has recently come to Altek's attention that due to some confusion, Altek's Opposition Kodak's Motion for Partial Summary Judgment and Altek's Cross Motion for Partial Summary Judgment (Dkt. No. 82) and Rule 56.1 Statement in Support of Altek's Cross Motion (Dkt. No. 83), contain a misstatement. Specifically, both documents include an assertion KPMG did not request from Altek the prices Altek charged its customers. Dkt. No. 82 at 4 ("KPMG did not ask Altek for data on the prices Altek charged its customers."); Dkt. No. 83, No. 33 ("For purposes of the audit, KPMG did not ask Altek for data on the prices Altek charged its customers."). It has come to our attention that this assertion is incorrect and that KPMG did in fact request Altek's data on the prices Altek charged its customers.

Altek respectfully request permission to strike this inaccuracy from Altek's Opposition and Rule 56.1 Statement. Altek has discussed this matter with Kodak's counsel, who has consented to striking the above-referenced statements from the documents.

Attached for the Court's reference, is a copy of the relevant page from each of the above-referenced documents with the requested portion stricken.

Should the Court prefer Altek to proceed in some other fashion, Altek respectfully requests the Court's advisement on how to proceed.

Very truly yours,

A handwritten signature of Morvarid Metanat, consisting of stylized initials and a long horizontal stroke.  
Morvarid Metanat

cc: Jonathan W. Woodard (via e-mail)  
Jordan Hirsch (via e-mail)  
Michael Summersgill (via e-mail)  
Robert Gunther (via e-mail)

*The application to strike  
is granted.*

A handwritten signature of Denise Cote, appearing to be "Denise Cote".  
March 28, 2013